

information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) [emphasis added].”

Claim 8, rejected in the Office Action dated October 23, 2002, is a new ground of rejection not necessitated by amendment. There was no “argument with respect to claim 8” in the previous response, as alleged by the Examiner. Clearly finality is improper. Assuming that there was a mistake, why should applicant bear the burden of the Examiner’s mistake? Such is clearly improper.

Claims 1 and 8 were rejected as anticipated by Genter. In support of the rejection, the Examiner asserts “non-linear processor (36a-p).” This mischaracterizes the Genter patent by using the singular, as though a single element were involved. What the Genter patent discloses is a *plurality* of non-linear processors, which are referred to in the plural in the patent. Claim 1 recites “the multiplex circuit.” Which one of non-linear processors 36a – 36p is this being read on?

In support of the rejection, the Examiner asserts that “the non-linear processor (36a-p) selectively attenuates (i.e. blocks) the output [sic – outputs] of the band-pass filters (26a-p). This mischaracterizes the disclosure of the Genter patent. The function of the non-linear processors is disclosed at column 4, line 39ff.

“Additionally, such further processing preferably includes adding a compensating noise component to the attenuated error signals independently and in proportion to *the degree of attenuation* applied to each of the respective error signals. As represented in FIG. 1, such further processing is provided by non-linear processors 36a-p” [emphasis added].

“Each non-linear processor 36a-p is connected to receive a corresponding one of the error signals ERI-ERI6. The non-linear processors 36a-p selectively attenuate the error signals ERI-ERI6, and inject compensating noise therein to provide respective output channel signals, OCI-OCI6, at the output terminals of the respective non-linear processors 36a-p.”

(1) Note that "degree of attenuation" is not consistent with the Examiner's term "blocking." The Examiner mischaracterizes the prior art by alleging full attenuation when there is none disclosed. In fact, the Examiner's characterization is *contrary* to the disclosure of the Genter patent. (2) The *error signal* is attenuated, not the signal from the bandpass filter as alleged by the Examiner. (3) *Noise* is added to the signal. It is respectfully submitted that this does not disclose or suggest a multiplex function, as that term is known and used by those of skill in the relevant art.

Enclosed is a copy of pages 391–397 from Volume 3 of *Encyclopedia of Electronic Circuits* by Rudolf F. Graf, copyright 1991. The pages describe several multiplexers, as that term is understood by those of ordinary skill in the art. Even a detailed comparison will reveal no similarities between what the Examiner characterizes as a multiplexer and what one of ordinary skill in the art knows as a multiplexer.

It is therefore respectfully submitted that the Examiner is mischaracterizing the prior art in order to find anticipation and is not basing the rejection "on the function that the non-linear processor of Genter performs" as alleged on page 8 of the Office Action.

Claim 11 was rejected as unpatentable over Genter in view of McCaslin et al. The Examiner relies on "non-linear processor (36a–p)" in support of the rejection.

(1) Patent specifications are addressed to one of ordinary skill in the art. Although patent examiners are not ones of ordinary skill in the art, "Office personnel must always remember to use the perspective of one of ordinary skill in the art. Claims and disclosures are not to be evaluated in a vacuum" MPEP §2106.

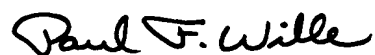
(2) To one of ordinary skill in the art, non-linear processors and multiplex circuits are not remotely related, for the reasons given above.

**Nowhere** is it disclosed in the McCaslin et al. patent that a signal be attenuated if the duration of the signal exceeds a threshold.

It is respectfully requested that the Examiner comply with the MPEP. It is also requested that the Examiner stop mischaracterizing the record and the prior art.

In view of the foregoing remarks, it is respectfully submitted that claims 1, 2, and 5-12 are in condition for allowance and a Notice to that effect is respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script that reads "Paul F. Wille".

Paul F. Wille

Reg. No. 25,274

Attorney for Applicant